

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4965 OF 2005

Naresh Kunjilal Gupta	...Applicant
VS.	
The State of Maharashtra	...Respondent
Mr.H.E.Palwe for the Applicant	
Ms M.H.Mhatre,A.P.P. for State	

CORAM: A.S.OKA, J.
DATE : AUGUST 8, 2005

P.C.:

1. This is an application for anticipatory bail. Initially, the Applicant approached the Sessions Court by filing an application for anticipatory bail. By order dated 1st June 2005 the learned I/C Sessions Judge granted interim protection in favour of the Applicant by observing that the transaction in respect of the offence which is alleged is of the year 1998 and the transaction appears to be of a civil nature.

2. A private complaint was filed by the complainant against the Applicant and a limited company of which the Applicant is alleged be the Managing Director. In the private complaint, the allegation is that pursuant to the order placed by the limited company of which the Applicant is is alleged to be the Managing Director, certain goods were supplied to the company. The goods worth Rs.81,260/- were delivered to the company on 4th March 1998. A cheque issued in favour of the Applicant was dishonoured. A Civil suit has been filed in the year 1999

by the complainant in this Court and thereafter the company approached B.I.F.R. On the basis of this complaint, an order for investigation under Section 156 (3) of the Code of Criminal Procedure, 1973 was passed by the learned Judicial Magistrate. Accordingly, the offence was registered against the Applicant at Daman Police Station under Section 420 of the Indian Penal Code.

3. On plain reading of the complaint, it appears that the transaction between the complainant and the company is of the year 1998. A cheque issued by the company representing the price of the goods was dishonoured in the year 1998 and the complainant has filed a civil suit against the company of which the applicant is alleged to be the Manager Director. The complaint is belatedly filed in the year 2002. It is obvious that essentially the dispute between the parties is of civil nature and custodial interrogation of the Applicant is not required.

4. Hence, I pass the following order :

i) In the event of the arrest of the Applicant in connection with C.R.No. M/04/04 of pursuant to Criminal Case No.26/03 filed in the Court of C.J.M. Daman the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station as and when called upon to do so till filing of the charge sheet and will cooperate for the purposes of investigation.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/investigating agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE